

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

United States of America)	04-10364-NMG
v.)	
Shawn Winbush)	

**GOVERNMENT'S MOTION FOR EXTENSION OF TIME TO
OPPOSE WINBUSH'S MOTION TO SUPPRESS**

The United States respectfully moves for an extension of time in which to oppose defendant Winbush's motion to suppress evidence.

In support of this motion, the government notes that the cover letter to the defendant's motion indicated that an Affidavit of Shawn Winbush would be forthcoming, but the affidavit has not yet been received. The government requests an extension of time in order to respond to the contents of the affidavit, if appropriate, in its response to the motion.

Additionally, the government notes that in connection with its original complaint in this matter, the Affiant had asserted that the x-ray of defendant Winbush was not consensual. Counsel for the government has subsequently been provided reason to question that assertion. One of the key personnel involved in this case is currently on annual leave and will not return to duty until March 23, 2005. While the government asserts that as a matter of law, the x-ray was an appropriate exercise of border authority with or without consent given the facts and corresponding basis for suspicion in this case, the government seeks an extension of time in order to provide the Court with all the facts as known to the government regarding consent at the time of consideration of the motion.

Accordingly, the government respectfully requests an extension of time until the later of

April 6, 2005 or two weeks after the receipt of the affidavit of Shawn Winbush is filed.

Respectfully Submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Nancy Rue
Nancy Rue
Assistant U.S. Attorney